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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/849,585	05/19/2004	Richard Stoltz	ABI:1042	6336
34725	7590	03/09/2006		EXAMINER
CHALKER FLORES, LLP 2711 LBJ FRWY Suite 1036 DALLAS, TX 75234				FARAH, AHMED M
			ART UNIT	PAPER NUMBER
			3735	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/849,585	STOLTZ ET AL.
	Examiner	Art Unit
	Ahmed M. Farah	3735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/14/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 19 and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by the applicants' admitted prior art. As described in the background section of the applicants' specification (see paragraph [0002] – [0005]), a system comprising a semiconductor chip laser diode, semiconductor optical amplifier, a dispersive element for compressing amplified pulses, and scanning element is well known in the art.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art in view of Neev US Patent No. 6,156,030.

Neev discloses apparatus and method for laser ablation (laser machining) of a material as claimed except the use of semiconductor-chip laser diode. He further

teaches that one skilled in the art would have selected the light source from commercially available laser sources, such as the laser source depicted in Figure 8a.

Therefore, at the time of the applicant's invention, it would have been obvious to one skilled in the art to use a semiconductor laser, as the one described in the applicants' specification, as an equivalent alternative source of energy to provide the ablative laser pulses.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neev US Patent No. 6,156,030 in view of Delfyett et al. US Patent No. 6,801,551.

Neev discloses apparatus and method for laser ablation (laser machining) of material surface as claimed except the use of semiconductor-chip laser diode. He further teaches that one skilled in the art would have selected the light source from commercially available laser sources. Delfyett et al. disclose a multipurpose laser system (see col. 9, lines 14-17) comprising a semiconductor-chip diode laser as recited in the instant claims.

Therefore, at the time of the applicant's invention, it would have been obvious to one skilled in the art to use the semiconductor laser of Delfyett et al., as an equivalent alternative source of energy to provide the ablative laser pulses.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the following references:

US Patent No. 6325792 B1 to Swinger et al; US Patent No. 6,099,522 A to Knopp et al; and US Patent No. 5,520,679 A to Lin, respectively, disclose alternative scanning methods for ablating biological tissues. In particular, Swinger et al. use ultra-short, high repletion rate laser pulses to ablate the desired tissues.

US Patent No. 6,552,301 B2 to Herman et al; and US Patent No. 5,736,709 to Neiheisel disclose alternative laser micromachining apparatuses for the modification of material surfaces.

US Patent No. 6,795,461 B1 to Blair et al; and US Patent No. 4,847,846 to Sone et al., respectively, disclose semiconductor-chip laser systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ahmed M. Farah whose telephone number is (571) 272-4765. The examiner can normally be reached on Mon-Thur 9:30 AM-7:30 PM, and 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on (571) 272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ahmed M Farah  
Primary Examiner  
Art Unit 3735



March 5, 2006